

LABOR SERVICES DIVISION[875]

Adopted and Filed

Rule making related to debt collection

The Labor Commissioner hereby amends Chapter 61, “Administration of Iowa Code Chapter 88A,” Chapter 71, “Administration of the Conveyance Safety Program,” Chapter 90, “Administration of the Boiler and Pressure Vessel Program,” and Chapter 155, “Asbestos Removal and Encapsulation,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 88A.3, 88B.3, 89.7(2) and 89A.3(8).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 88A, 88B, 89 and 89A.

Purpose and Summary

These are technical and conforming amendments relating to debt collection by the College Student Aid Commission, the Child Support Recovery Unit, and the Department of Revenue. Agencies such as the Division of Labor Services that issue permits, licenses and similar authorizations must stand ready to assist in debt collection. These amendments include updates and corrections relating to these duties. Several amendments remove references to the College Student Aid Commission due to 2019 Iowa Acts, Senate File 304, which prohibited licensing sanctions against individuals who default or are delinquent on student loan debt or on a related service obligation.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 26, 2020, as **ARC 4940C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commissioner on July 30, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or

group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on September 30, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend rule ~~875—61.2(88A)~~, definition of “Certificate of noncompliance,” as follows:
“*Certificate of noncompliance*” means:

1. A certificate of noncompliance issued by the child support recovery unit, department of human services, pursuant to Iowa Code chapter 252J; or

~~2. A certificate of noncompliance issued by the college student aid commission pursuant to Iowa Code chapter 261; or~~

~~3.~~ 2. A certificate of noncompliance issued by the centralized collection unit, department of revenue, pursuant to Iowa Code chapter 272D.

ITEM 2. Amend rule ~~875—61.6(88A,252J,261,272D)~~, parenthetical implementation statute, as follows:

~~875—61.6(88A,252J,261,272D)~~ Termination, denial, suspension, or revocation of an operating permit.

ITEM 3. Amend rule ~~875—61.7(17A,88A,252J,261,272D)~~, parenthetical implementation statute, as follows:

~~875—61.7(17A,88A,252J,261,272D)~~ Procedures for revocation, suspension, or denial of an operating permit or amusement inspection sticker.

ITEM 4. Amend subrule 61.7(1) as follows:

61.7(1) If the commissioner initiates revocation, suspension or denial due to the receipt of a certificate of noncompliance, the applicable procedures of Iowa Code chapter 252J, ~~261~~, or 272D shall apply.

ITEM 5. Amend ~~875—Chapter 61~~, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A, 88A, 252J, ~~261~~, and 272D.

ITEM 6. Amend rule ~~875—71.12(89A,252J,261,272D)~~, parenthetical implementation statute, as follows:

~~875—71.12(89A,252J,261,272D)~~ Special inspector commissions.

ITEM 7. Amend subrule 71.12(1) as follows:

71.12(1) Definition. As used in this rule, “certificate of noncompliance” means:

a. A certificate of noncompliance issued by the child support recovery unit, department of human services, pursuant to Iowa Code chapter 252J; or

~~b. A certificate of noncompliance issued by the college student aid commission pursuant to Iowa Code chapter 261; or~~

~~c.~~ b. A certificate of noncompliance issued by the centralized collection unit of the department of revenue pursuant to Iowa Code chapter 272D.

ITEM 8. Amend subrule 71.12(11), introductory paragraph, as follows:

71.12(11) Procedures. The following procedures shall apply except in the event of revocation or suspension due to receipt of a certificate of noncompliance. In instances involving receipt of a certificate of noncompliance, the applicable procedures of Iowa Code chapter 252J, ~~261~~, or 272D shall apply.

ITEM 9. Amend **875—Chapter 71**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 89A, 252J, ~~261~~ and 272D.

ITEM 10. Amend rule 875—90.2(89,261,252J,272D), parenthetical implementation statute, as follows:

875—90.2(89,261,252J,272D) Definitions.

ITEM 11. Amend rule **875—90.2(89,261,252J,272D)**, definition of “Certificate of noncompliance,” as follows:

“*Certificate of noncompliance*” means:

1. A certificate of noncompliance issued by the child support recovery unit, department of human services, pursuant to Iowa Code chapter 252J; or

~~2. A certificate of noncompliance issued by the college student aid commission pursuant to Iowa Code chapter 261; or~~

3. 2. A certificate of noncompliance issued by the centralized collection unit of the department of revenue pursuant to Iowa Code chapter 272D.

ITEM 12. Amend rule 875—90.9(89,252J,261), parenthetical implementation statute, as follows:

875—90.9(89,252J,261 272D) Special inspector commissions.

ITEM 13. Amend subrule 90.9(10), introductory paragraph, as follows:

90.9(10) Procedures. The following procedures shall apply except in the event of revocation or suspension due to receipt of a certificate of noncompliance. In instances involving receipt of a certificate of noncompliance, the applicable procedures of Iowa Code chapter 252J, ~~261~~, or 272D shall apply.

ITEM 14. Amend **875—Chapter 90**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A, 89, 252J, ~~261~~, and 272D.

ITEM 15. Amend subrule 155.2(2) as follows:

155.2(2) Action on application. A new permit shall be valid for one year from the date of issuance. A renewal permit shall be valid for one year from the expiration date of the applicant’s prior permit. A permit may be denied for the reasons set forth in rule ~~875—155.8(17A,88B,252J,261 272D)~~ or if the application package is incomplete. Within 60 days of receiving a completed application package for a new permit, the division will issue a permit or deny the application. Within 30 days of receiving a completed application package for a permit renewal, the division will issue a permit or deny the application. Applications received after expiration of a prior permit will be considered applications for new permits rather than renewals.

ITEM 16. Amend subrule 155.6(9) as follows:

155.6(9) Action on application. Within 30 days of receiving a completed application, the division will issue a license or deny the application. If a license is issued, it will expire one year from the date the training was completed. An application may be denied for the reasons set forth in rule ~~875—155.8(17A,88B,252J,261 272D)~~ or if the application package is incomplete.

ITEM 17. Amend rule 875—155.8(17A,88B,252J,261), parenthetical implementation statute, as follows:

875—155.8(17A,88B,252J,261 272D) Denial, suspension and revocation.

ITEM 18. Amend paragraph **155.8(1)“e”** as follows:

e. The division received a certificate of noncompliance from the ~~college student aid commission~~ centralized collection unit of the department of revenue or the child support recovery unit of the department of human services.

ITEM 19. Amend subrule 155.9(2) as follows:

155.9(2) Procedures. The labor commissioner shall serve a notice of intended action by restricted certified mail, return receipt requested, or by other service as permitted by Iowa Code section 17A.18. A

notice of contest must be received by the labor commissioner within 20 days after service of the notice of intended action. If a notice of contest is not timely filed, the action stated in the notice of intended action shall automatically be effective. Hearing procedures for asbestos contested cases are set forth in 875—Chapter 1, Division V. However, if a contested case is based on receipt by the division of a certificate of noncompliance, procedures outlined in Iowa Code chapter 252J or ~~264~~ 272D shall apply.

ITEM 20. Amend **875—Chapter 155**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A, 88B, 252J, and ~~264~~ 272D.

[Filed 7/29/20, effective 9/30/20]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/26/20.